

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW MUCKEY,

Case No.: 24-cv-03348-AS

Plaintiff,

-against-

ASSOCIATED MUSICIANS OF GREATER NEW
YORK, LOCAL 802, AMERICAN FEDERATION OF
MUSICIANS and THE PHILHARMONIC-SYMPHONY
SOCIETY OF NEW YORK, INC. a/k/a THE NEW
YORK PHILHARMONIC ORCHESTRA,

Defendants.

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**PLAINTIFF MATTHEW MUCKEY'S CHART IDENTIFYING ELEMENTS
PLAUSIBLY ALLEGED IN PLAINTIFF'S
FIRST AMENDED COMPLAINT IN OPPOSITION
TO ASSOCIATED MUSICIANS OF GREATER NEW YORK, LOCAL 802,
AMERICAN FEDERATION OF MUSICIANS' MOTION TO DISMISS**

Pursuant to Section 8(G)(i) of the Judge's Individual Practices in Civil Cases, Plaintiff MATTHEW MUCKEY ("Plaintiff"), by and through his undersigned counsel, submits the following chart in opposition to Defendant ASSOCIATED MUSICIANS OF GREATER NEW YORK, LOCAL 802, AMERICAN FEDERATION OF MUSICIANS' Motion to Dismiss, identifying the paragraphs of the First Amended Complaint that plausibly allege the claims pleaded.

CLAIM	ELEMENTS PLAUSIBLY ALLEGED	PARAGRAPH IN FIRST AMENDED COMPLAINT
<u>First Claim for Relief:</u>	1. Employer Breached the collective bargaining agreement;	Plaintiff plausibly alleges all the elements in the foregoing

<p>Violation of NLRA, Section 9(a), Breach of the Duty of Fair Representation</p>	<p>2. Union violated its duty of fair representation through arbitrary, discriminatory, or bad faith conduct; and</p> <p>3. A causal connection between the union's wrongful conduct and Plaintiff's injuries.</p> <p><i>See White v. White Rose Food</i>, 237 F.3d 174, 178-179 (2d Cir. 2001).</p>	<p>paragraphs of the First Amended Complaint:</p> <p>1. ¶¶ 3, 4, 5, 6, 17, 40, 41, 46, 47, 48, 49, 54, 56, 57, 58, 59, 60, 61, 62, 94, 95, 96, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 134, 135, 136, 187, 138, 142, 145, 177, 178, 180, 182, 183, 184, 185, 212, 213, 233, 237, 238, 240, 242, 245, 251, 252, 253, 254, 255, 256, 260, 261, 262, 263.</p> <p>2. ¶¶ 3, 4, 5, 6, 16, 22, 23, 36, 37, 38, 39, 41, 42, 43, 46, 48, 49, 54, 64, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 103, 104, 105, 106, 107, 108, 109,</p>
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<u>Third Claim For Relief:</u> Violation of Title VII of the Civil Rights Act of 1964, 28 U.S.C. § 2000e-2, Sex Discrimination	<ol style="list-style-type: none"> 1. The employer breached the collective bargaining agreement; 2. The union breached its duty of fair representation; and 3. The union's conduct was motivated by discriminatory animus. <p><i>McLeod v. 1199SEIU United Healthcare</i>, 2019 U.S. Dist. LEXIS 55085, at *20 (S.D.N.Y. Mar. 29, 2019).</p>	Plaintiff plausibly alleges all the elements in the foregoing paragraphs of the First Amended Complaint: <ol style="list-style-type: none"> 1. ¶¶ 3, 4, 5, 6, 17, 40, 41, 46, 47, 48, 49, 54, 56, 57, 58, 59, 60, 61, 62, 94, 95, 96, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 134, 135, 136, 187, 138, 142, 145, 177, 178, 180, 182, 183, 184, 185, 212, 213, 233, 237, 238, 240, 242, 245, 251, 252, 253, 254, 255, 256, 260, 261, 262, 263. 2. ¶¶ 3, 4, 5, 6, 16, 22, 23, 36, 37, 38, 39, 41, 42, 43, 46, 48, 49,

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<p><u>Fifth Claim For Relief:</u></p> <p>Violation of the New York State Human Rights Law, N.Y.S. Executive Law § 296, Sex Discrimination</p>	<ol style="list-style-type: none"> 1. The employer breached the collective bargaining agreement; 2. The union breached its duty of fair representation; and 3. The union's conduct was motivated by discriminatory animus. <p><i>McLeod v. 1199SEIU United Healthcare</i>, 2019 U.S. Dist. LEXIS 55085, at *20 (S.D.N.Y. Mar. 29, 2019).</p>	<p>Plaintiff plausibly alleges all the elements in the foregoing paragraphs of the First Amended Complaint:</p> <ol style="list-style-type: none"> 1. ¶¶ 3, 4, 5, 6, 17, 40, 41, 46, 47, 48, 49, 54, 56, 57, 58, 59, 60, 61, 62, 94, 95, 96, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 134, 135, 136, 187, 138, 142, 145, 177, 178, 180, 182, 183, 184, 185, 212,

		<p>213, 233, 237, 238, 240, 242, 245, 251, 252, 253, 254, 255, 256, 260, 261, 262, 263</p> <p>2. ¶¶ 3, 4, 5, 6, 16, 22, 23, 36, 37, 38, 39, 41, 42, 43, 46, 48, 49, 54, 64, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 126, 127, 134, 135, 146, 147, 148, 149, 150, 151, 152, 153, 154, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 209, 210, 212, 213, 225, 226, 233, 236, 237, 238, 239, 240, 241, 243, 244, 245, 246, 247, 261, 262.</p>
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<p><u>Seventh Claim For Relief:</u></p> <p>Violation of the New York City Human Rights Law, N.Y.C. Administrative Code § 8-107, Gender Discrimination</p>	<p>1. The employer breached the collective bargaining agreement;</p> <p>2. The union breached its duty of fair representation; and</p> <p>3. The union's conduct was motivated by discriminatory animus.</p> <p><i>McLeod v. 1199SEIU United Healthcare</i>, 2019 U.S. Dist. LEXIS 55085, at *20 (S.D.N.Y. Mar.</p>	<p>Plaintiff plausibly alleges all the elements in the foregoing paragraphs of the First Amended Complaint:</p> <p>1. ¶¶ 3, 4, 5, 6, 17, 40, 41, 46, 47, 48, 49, 54, 56, 57, 58, 59, 60, 61, 62, 94, 95, 96, 106,</p>

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Respectfully Submitted,

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